

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

In the Matter of:

Case No.

Debtor.

Adversary No.

Plaintiff,

vs.

Defendant.

APPLICATION TO CONDEMN AND ORDER CONDEMNING FUNDS

The undersigned states:

1. Execution was issued based on judgment in this case.
2. Garnishment was served and the garnishee has either answered that after allowing all exemptions money is owed the defendant(s) named above, or turned over the funds pursuant to Iowa Code Sections 642.10 and 642.13.
3. The notice of garnishment required by Iowa Code Section 642.14 was served on defendant(s) named above.
4. A copy of that notice with proof of service on defendant(s) is on file.
5. More than ten (10) days has passed since the 642.14 notice of garnishment was served.
6. No motion, answer, or other pleading has been filed to contest the garnishment.

Wherefore this judgment creditor prays that the court issue an order condemning the funds.

Judgment Creditor or Judgment Creditor's Attorney

ORDER

Now on this _____ day of _____, _____, pursuant to the court's authority under 28 U.S.C. § 1651, Fed. R. Bankr. P. 7069 and Iowa Code § 642.13, the court finds the file shows that more than ten (10) days has passed since notice of garnishment was served and no pleading contesting the garnishment has been filed.

IT IS ORDERED that funds in the hands of the garnishee (or paid over to the sheriff or marshal) as a result of the garnishment in the above case are condemned. If the garnished funds have not been paid over to the sheriff or marshal, the garnishee _____ shall forthwith pay the funds over to the Clerk of the Bankruptcy Court. The Clerk shall pay all remaining court costs, and shall credit the balance of the funds on the judgment and notify the judgment creditor or the judgment creditor's attorney that the funds are available to the judgment creditor.

U.S. Bankruptcy Judge